

**\*\*Title:\*\*** People of the Philippines vs. Heracleo Abello y Fortada

**\*\*Facts:\*\*** The case involves Heracleo Abello y Fortada (Abello) being convicted of one count of violation of paragraph 2, Article 266-A of the Revised Penal Code, as amended, and two counts of violation of sexual abuse under Republic Act No. 7610 (Child Abuse Law). The incidents leading to these charges occurred on June 30, July 2, and July 8, 1998, involving Abello's stepdaughter, referred to as AAA. AAA, who contracted polio at a young age and has limited mobility, testified that Abello sexually abused her on these dates while she was sleeping. Abello pleaded not guilty and claimed denial, stating it was impossible for him to commit the crimes.

The case proceeded to the Regional Trial Court (RTC), which found Abello guilty. The Court of Appeals affirmed the RTC's decision with modifications to the penalties. Abello then raised the appeal to the Supreme Court, contending errors in his convictions for both charges.

**\*\*Issues:\*\***

1. Whether the prosecution was able to prove beyond reasonable doubt that Abello committed the crime of rape by sexual assault under the circumstances described in Article 266-A of the Revised Penal Code as amended.
2. Whether the appellant can be convicted for acts of lasciviousness under Section 5(b), Article III of R.A. No. 7610, considering AAA's age and physical condition.

**\*\*Court's Decision:\*\***

The Supreme Court affirmed Abello's convictions for all charges. The Court found AAA's testimony credible, detailed, and sufficient to support the findings of rape by sexual assault and acts of lasciviousness. The Court ruled out Abello's defense of denial, highlighting that AAA had no motive to falsely accuse Abello, and underlined the improbability of AAA fabricating the incidents due to the social and emotional implications of such accusations.

The Court meticulously clarified the elements of rape by sexual assault as defined under Article 266-A of the Revised Penal Code, concluding that AAA's testimony satisfied all required elements. Regarding the charges of sexual abuse under R.A. No. 7610, the Court determined that the prosecution failed to establish that AAA's physical condition rendered her incapable of self-care to the extent that she would be considered a "child" under R.A. No. 7610. Nonetheless, Abello was still found guilty of acts of lasciviousness under Article 336 of the Revised Penal Code.

**\*\*Doctrine:\*\***

The case reinforced the doctrine that in sexual assault and abuse cases, the testimony of the victim, when found credible, may be sufficient to substantiate the conviction. It also reiterated the legal standards and elements concerning rape by sexual assault and the definition of a “child” under R.A. No. 7610 for purposes of determining the applicability of provisions against child sexual abuse.

**\*\*Class Notes:\*\***

- **\*\*Rape by Sexual Assault (Article 266-A, RPC):\*\*** Essential elements are (1) act of sexual assault, (2) act committed by inserting the penis or any instrument into another person’s bodily orifices, and (3) act accomplished under coercive circumstances like force or intimidation.
- **\*\*Acts of Lasciviousness (Article 336, RPC):\*\*** Requires (1) an act of lasciviousness, (2) performed on another person of either sex, and (3) done under coercive circumstances such as force or intimidation or when the victim is incapable of giving consent.
- **\*\*Child under R.A. No. 7610:\*\*** A child is defined as a person below eighteen (18) years of age or one over but who cannot fully care for or protect themselves due to physical or mental disability.

**\*\*Historical Background:\*\***

This case highlights the complexities and challenges in prosecuting sexual violence cases within the family setting. It underscores the evolving legal interpretations in handling accusations involving minors or individuals with disabilities, reflecting broader societal and legal efforts to protect vulnerable individuals from abuse while ensuring fair adjudication for the accused.